

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Wayne S. Jendro,

Civil No. 14-4613 (DWF/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Northern States Power Company, a
Minnesota Domestic Corporation; Northern
States Power Company, d/b/a Xcel Energy, an
assumed name; Xcel Energy, Inc., a Minnesota
Domestic Corporation; Ann M. Clowser,
individually and in her capacity as Assistant
General Counsel, Legal Department; Steven A.
Christianson, individually and in his capacity
as Senior Analyst, Human Resources; Jeffrey S.
Flaten individually and in his capacities as
Supervisor and System Relay Specialist;
Stephen J. Schuh, individually and in his
capacity as Supervisor and System Relay
Specialist; Steve Brandes, individually and in
his capacity as former Systems Relay
Specialist and Work Scheduling Supervisor at
Xcel; Sandra Johnson, individually and in her
capacity as Apprentice; International
Brotherhood of Electrical Workers Local 160,
a nonprofit Labor Organization; Thomas
Koehler individually and in his capacity as
Business Manager/Financial Secretary of
IBEW Local 160; and Daryl Tindle, individually
and in his capacity as Business Agent of IBEW,

Defendants.

This matter is before the Court upon *Pro Se* Plaintiff Wayne S. Jendro's
("Plaintiff") self-styled objections (Doc. No. 10) to Magistrate Judge Tony N. Leung's
April 6, 2015 Report and Recommendation (Doc. No. 7) insofar as it recommends that:

(1) this action be summarily dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(b); (2) Plaintiff's Application to Proceed in District Court Without Preparing Fees or Costs be denied as moot; and (3) Plaintiff's Motion for Appointment of Counsel be denied as moot.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

In the Report and Recommendation, Magistrate Judge Leung concluded that Plaintiff's Amended Complaint failed to comply with both Federal Rule of Civil Procedure Rule 8's requirement that Plaintiff's claims be pled in a manner that is both "short and plain" and the Court's requirement that any amended pleading be no more than 10,000 words. (Doc. No. 7 at 3-4.) In addition, Magistrate Judge Leung explained that Plaintiff's Amended Complaint was "replete with conclusory allegations" and unfairly shifted onto the Defendants and the Court the burden of identifying Plaintiff's genuine claims and whether any of those claims have legal merit. (*Id.* at 3.) Having already once given Plaintiff an opportunity to amend, Magistrate Judge Leung recommended that the action be dismissed without prejudice. (*Id.* at 4.) After carefully considering Plaintiff's objections, the Court finds no reason that would warrant a departure from the Magistrate Judge's recommendation.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. *Pro Se* Plaintiff Wayne S. Jendro's self-styled objections (Doc. No. [10]) to Magistrate Judge Tony N. Leung's April 6, 2015 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Tony N. Leung's April 6, 2015 Report and Recommendation (Doc. No. [7]) is **ADOPTED**.

3. This action is **SUMMARILY DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(b).

4. Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. [2]) is **DENIED AS MOOT**.

5. Plaintiff's Motion for Appointment of Counsel (Doc. No. [5]) is **DENIED AS MOOT**.

Dated: November 18, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge